



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street, 3rd floor
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October 14, 2021

BY ECF

The Honorable Katherine Polk Failla
United States District Judge
United States Courthouse
40 Foley Square
New York, NY 10007

The Honorable George B. Daniels
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

The Honorable Sarah Netburn
United States Magistrate Judge
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *John Does 1 Through 7 v. The Taliban et al.*
No. 20 Misc. 740 (KPF);
In re Terrorist Attacks on September 11, 2001
No. 03 Md. 1570 (GBD) (SN);
Havlish et al. v. Bin-Laden et al.
No. 03 Civ. 9848 (GBD) (SN)—Participation of the
United States Pursuant to 28 U.S.C. § 517

Dear Judge Failla, Judge Daniels, and Judge Netburn:

Pursuant to the Court's orders in *Doe v. The Taliban*, No. 20 Misc. 740 (KPF) (ECF No. 19), and *Havlish v. Bin-Laden*, No. 03 Civ. 9848 (GBD) (SN) (ECF No. 527), the United States writes respectfully to provide notice of its intent to file a Statement of Interest regarding the writs of execution recently served by the plaintiffs in these cases on certain accounts at the Federal Reserve Bank of New York ("FRBNY"), held by Da Afghanistan Bank ("DAB"). *See Doe*, ECF No. 28; *Havlish*, ECF No. 526-1. Taking into account the time needed to prepare this submission, and to obtain full consultation,

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review, and approval within numerous agencies of the Government, the United States respectfully requests that it be permitted until December 3, 2021, to file its Statement of Interest. The United States submits that there is no urgent need to expedite these proceedings further, given the fact that the DAB accounts at FRBNY are currently subject to and restrained by plaintiffs' writs.

Last, the United States respectfully notes the possible application of Rule 14 of the SDNY Rules for the Division of Business Among District Judges to the portions of the above-referenced cases dealing with plaintiffs' writs of execution on the DAB accounts at FRBNY. While plaintiffs' underlying matters are factually distinct, their writs of execution are directed towards the same party (the Taliban) and the same DAB accounts at FRBNY. The United States' Statement of Interest will apply identically in both matters. Therefore, the same issues and property will potentially be subject to separate consideration in each of these cases at the same time, creating a risk of conflicting orders and substantial duplication of effort by the parties and the Court. In light of these factors, and subject to the Court's discretion, the United States would not object to the transfer to one judge of the portions of these matters dealing specifically with plaintiffs' writs of execution on the DAB accounts at FRBNY.

The United States appreciates the Court's consideration of this letter.

Respectfully,
DAMIAN WILLIAMS
United States Attorney

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cc: All counsel of record (via ECF)